



All Pueblo Council of Governors

Officers:

Wilfred Herrera, Jr., Chairman

Vacant, Vice-Chair

David M. Toledo, Secretary

All Pueblo Council of Governors

Resolution No. APCG 2021 – 03

Support for Local Choice Energy Legislation to Benefit the Pueblos, New Mexico, and Planet Earth in the 2021 New Mexico Legislative Session

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta del Sur

Zia

Zuni

WHEREAS, the All Pueblo Council of Governors (“APCG”) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni, and one pueblo in Texas, Ysleta del Sur, each having sovereign authority to govern their own affairs;

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural & traditional well-being of the Pueblo Nations; and

WHEREAS, each APCG member has the sovereign right to protect its land, air, water, traditional cultural properties and sacred sites now and into the future; and

WHEREAS, climate change poses threats and dangers to the survival of APCG members, even though they contribute the least to greenhouse emissions. In fact, Pueblo members are vital to the many ecosystems in their lands and territories and help enhance the resilience of these ecosystems. In addition, Indigenous Peoples interpret and react to the impacts of climate change in creative ways, drawing on traditional knowledge and other technologies to find solutions that society at large can replicate to counter pending changes; and

WHEREAS, exploration and extraction of fossil fuels, including coal, natural gas, oil and uranium mining, has threatened or directly harmed Puebloan cultural sites as diverse as Chaco Canyon, Zuni Salt Lake, Mt. Taylor and numerous other traditional cultural properties in Sandoval County and throughout our ancestral lands; and

WHEREAS, solar power systems mitigate climate disruption and reduce our collective dependence on fossil fuels, which leads to protection of air quality, land integrity and conservation of water. Solar fields can generate jobs, stabilize energy prices and generate revenue for Pueblo governments and their members; and

WHEREAS, Pueblo lands support high energy electric transmission lines which transmit energy to the State’s largest municipalities and could be used to transmit renewable electric energy from projects on Pueblo lands; and



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WHEREAS, the National Renewable Energy Laboratory solar radiation maps show that New Mexico's Pueblo lands have excellent energy resources for both photovoltaic and concentrating solar projects. These tremendous renewable energy resources can provide a low cost means of generating electricity for on-Pueblo use and for sale to utilities for use throughout New Mexico; and

WHEREAS, protecting water rights and land is a priority for the All Pueblo Council of Governors. Land is critical because it is our connection to the Creator, it's where we harvest medicinal plants and other important resources, and it's where we gain identity. Our connection to place is at the core of who we are as Pueblo people; and

WHEREAS, according to the U.S. Energy Information Administration, the official entity that collects and analyzes independent and impartial information on all energy providers, in order to promote sound policy making and public understanding, public power utility customers continue to experience high levels of reliability when compared with customers of investor-owned utilities (IOUs). Not-for-profit municipal utility customers experienced the lowest instances of power outages in both frequency and duration. These same customers pay electricity costs that are between 2-20% less depending on the geography and resource; and

WHEREAS, economic development and self-sufficiency is a priority for the All Pueblo Council of Governors. No longer can we exist in reactive economies, instead, we need to design and build sustainable and productive Pueblo economies. Issues like poverty, higher than average suicide rates among young Native people, health issues like obesity and diabetes continue to plague Pueblo communities. Economic development is a tool that aids in combating these issues and addressing the racial inequity through creating economic opportunities for our diverse communities; and

WHEREAS, the All Pueblo Council of Governors has been informed of the following legislation that would remove some economic and legal barriers and promote renewable energy development on the Pueblos and throughout New Mexico; and

LOCAL CHOICE ENERGY ACT – SB 83

WHEREAS, Local Choice Energy (LCE) is a policy tool that allows a local government, including a Native American tribe, to group the energy needs of its public facilities, residents and businesses together and then to purchase or produce the electricity to meet that aggregated need; and

WHEREAS, Local Choice Energy leverages the market power of groups purchasing, consumer choice, and local decision-making. It enables Native American tribes to create a functional partnership with existing utilities. The Pueblo or local government could create the electricity (through procurement or development), sell the surplus electricity on



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the market and receive income from the electric sales. The investor-owned-utility or co-ops would maintain transmission lines and be paid for the use of that transmission consistent with federal regulatory requirements. The APCG was provided with information that LCE has lowered electricity rates and generated revenues that are kept at the local tribal and government level.

NOW, THEREFORE, BE IT RESOLVED THAT the All Pueblo Council of Governors supports legislation described in this Resolution as long as that legislation has the following attributes or principles:

1. Local Choice Energy legislation must apply to both investors owned utilities and rural cooperatives since more than half of our Pueblos are located within the service areas of rural cooperatives.
2. The renewable energy legislation should not be used as an automatic justification by any investor owned utility for full cost recovery of underappreciated assets they own as a result of investing in fossil and nuclear fuel sources which would increase the burden on customers/ratepayers.
3. The legislation must recognize the unique governmental, communal and land ownership status of the Pueblos and be structured to allow Pueblos to participate in these renewable energy opportunities.

BE IT THEREFORE RESOLVED, Local choice energy providers are required to demonstrate proficiency in five key disciplines: reliability, cost, safety, workforce development and system improvement. Especially during extreme weather conditions, preparedness, safety and cost concern for customers must be its highest priorities.

CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2021-03 was considered and adopted at a duly called council meeting held on the 25th day of February 2021 and at which time a quorum was present and the same was approved by a vote of **14** in favor, **0** against, **0** abstain, and **6** absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: 
APCG Chairman Wilfred Herrera, Jr.

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Council of

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ATTEST:

APCG Secretary David M. Toledo

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